

### **REMARKS/ARGUMENTS**

Claims 23-25 and 51-74 remain in the application for further prosecution. Claim 23 has been amended. Claims 51-74 have been added. Claims 1-22 and 26-50 have been canceled.

#### **Claim Rejections - 35 U.S.C. § 102 and § 103**

Claims 1-5, 7, 9-30, 32, 34-50 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,786,818 (Rothschild et al.).

Claims 6, 8, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,786,818 (Rothschild et al.). in view of U.S. Patent No. 7,115,033 (Timperley).

#### **Personal Interview and Interview Summary**

The Applicants note with appreciation the interview with Examiner Thomasson and Examiner Pezzuto on April 25, 2007. Pursuant to the discussions in the interview, the Applicants have cancelled most of the previous claims and have added new claims 51-74 to focus more on the various features discussed in the interview. Additionally, while independent claim 22 was not discussed in the interview, it has been amended to clarify the invention.

The Applicants agree with the Interview Summary Sheet provided at the end of the interview. The Applicants also note that the Examiners acknowledged that there is a fundamental difference between Rothschild and the present invention. The Applicants have attempted to capture those differences in the pending claims set forth in this Response.

#### **Independent Claim 23**

Independent claim 23 has been amended to clarify that a plurality of moveable objects and a plurality of possible destinations are displayed, and that the plurality of moveable objects are displayed moving to the plurality of destinations. Furthermore, the combination of each

moveable object and the associated destination to which the moveable object moves indicates a certain payout award to the player.

The Applicants understand that the rejection of claim 23 relies upon the sports players in Rothschild (*e.g.*, football players, baseball players, etc) to meet the element of the “the plurality of moveable objects” in claim 23. However, Rothschild does not disclose a plurality of displayed destinations to which the moveable objects are moveable. Furthermore, Rothschild does not disclose assigning of probabilities to respective movement patterns and selecting one of the possible movement patterns based on the assigned probability. Finally, amended claim 23 also requires that the combination of each moveable object and the associated destination to which the moveable object moves indicating a certain payout award. Rothschild also fails to disclose this type of award structure in which the moveable objects and their respective destinations indicate the payout award to the player.

As such, Applicants believe that claims 23-25 are allowable over the art of record.

### **New Independent Claim 51**

Independent claim 51 requires displaying a plurality of possible outcomes associated with respective payouts. In one non-limiting embodiment, these plurality of outcomes are displayed destinations (*see, e.g.*, dependent claim 56). One or more of the possible outcomes are randomly selected and the moveable objects move to their respective randomly selected outcomes. Each object is assigned at least one of a plurality of possible different behaviors depending upon the respective randomly selected outcome for that object. One non-limiting embodiment of this type of behavior assignment is disclosed in Table II of the specification, in which each outcome (*i.e.*, a “property” in this example) has ten possible behaviors such that the assigned behavior for a particular moveable object depends on its respective selected outcome. Additionally, in new

claim 51, while the objects move to the respective outcomes, the assigned behaviors are displayed and the player is awarded payouts associated with the respective selected outcomes to which the objects move.

Rothschild does not disclose moveable objects that have behaviors that are assigned based on the respective randomly selected outcome to which that moveable objects move during the wagering game. Nor does Rothschild disclose a plurality of moveable objects moving to a plurality of outcomes and awarding payouts for such movements.

As such, Applicants believe that claims 51-57 are allowable over the art of record.

#### **Independent Claim 58**

Independent claim 58 calls for (i) assigning to each object at least one of a plurality of possible first behaviors that are unrelated to the associated outcome and (ii) assigning to each object at least one of a plurality of possible second behaviors related to the associated outcome. As such, each moveable object has first and second assigned behaviors. Further, claim 58 requires moving the objects and displaying the first and second behaviors.

Not only does Rothschild fail to disclose multiple behaviors for each movable object, but Rothschild fails to disclose a first assigned behavior that is unrelated to the associated outcome and a second assigned behavior that is related to the associated outcome. As such, Applicants believe that claims 58-65 are allowable over the art of record.

#### **Independent Claim 66**

Independent claim 66 is apparatus claim that similar to method claim 51. Rothschild does not disclose moveable objects that have behaviors that are assigned based on the respective randomly selected outcome to which that moveable objects move during the wagering game.

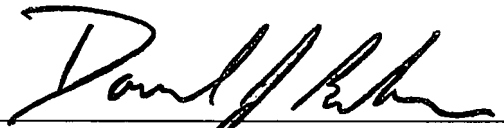
Nor does Rothschild disclose a plurality of moveable objects moving to a plurality of outcomes and awarding payouts for the movements. As such, Applicants believe that claims 66-74 are allowable over the art of record.

### **Conclusion**

It is Applicants' belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Burnham", is written over a horizontal line.

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Daniel J. Burnham  
Reg. No. 39,618  
Nixon Peabody LLP  
161 N. Clark Street – 48<sup>th</sup> Floor  
Chicago, Illinois 60601  
(312) 425-3900 (Telephone)  
(312) 425-3909 (Facsimile)

Attorney for Applicants